

NOV 28 2001

Before the
Federal Communications Commission
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202(b),) RM - _____
 Table of Allotments,)
 FM Broadcast Stations.)
 (Hemphill, Texas))

To: Chief, Allocations Branch

PETITION TO DISMISS

Apex Broadcasting, Inc. ("Apex"), licensee of KJEF-FM, Channel 225C2, Jennings, Louisiana, and the holder of an outstanding construction permit authorizing minor changes in the facilities of KJEF-FM (File No. BPH-20010129ADH), by its attorney, hereby objects to the proposed allotment of Channel 225A to Hemphill, Texas requested by Linda Crawford ("Crawford") in a Petition for Rule Making filed on September 5, 2001. The proposed allotment fails to provide the separation to the KJEF-FM permit as required under Section 73.207 of the Commission's rules. In support thereof, the following is shown:

The timing of the filing of the Crawford petition and the grant of the KJEF-FM's minor change construction permit are of decisional significance. Apex submitted its application for KJEF-FM on January 29, 2001. The Mass Media Bureau granted the request to relocate KJEF-FM on May 31, 2001 (BPH-20010129ADH). It was not until late August 2001 that Crawford prepared and submitted her request for the Hemphill channel. As shown in the attached Technical Statement of Graham Brock, Inc., Apex's consulting engineering firm, from the authorized KJEF-FM permit site, the proposed Hemphill request is 16.17 kilometers shortspaced to the KJEF-FM permit in violation of Section 73.207 of the Commission's Rules. Indeed, the

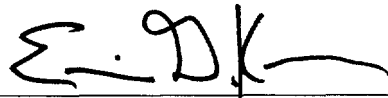
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spacing study submitted with the Crawford Petition for Rulemaking also shows a shortage to the KJEF-FM permit. The Technical statement demonstrates that the existence of the KJEF-FM permit precludes the use of Channel 225A at Hemphill and all other nearby communities since there is no clear usable area for an allotment due to the spacing limitations of the outstanding KJEF-FM permit.

WHEREFORE, for the foregoing reasons, Apex requests that the Crawford Petition for Rulemaking be dismissed without further consideration.

Respectfully submitted,

APEX BROADCASTING, INC.

By 
Erwin G. Krasnow

Verner Liipfert Bernhard McPherson and Hand
901 15th Street, N.W.
Washington, DC 20005
202-371-6062

Its Attorney

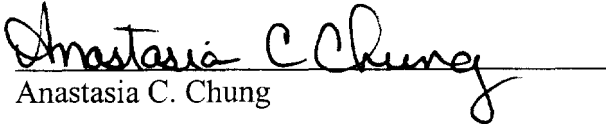
November 28, 2001

CERTIFICATE OF SERVICE

This is to certify that I, Anastasia C. Chung, have filed the foregoing Petition to Dismiss with the Federal Communications Commission on this 28th day of November, 2001, and that a copy has been served by way of U.S. mail, postage pre-paid, upon:

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Linda Crawford
3500 Maple Avenue, #1320
Dallas, Texas 75219


Anastasia C. Chung

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION TO DISMISS
APEX BROADCASTING, INC.
KJEF-FM RADIO STATION
CH 225C2 - 92.9 MHZ
JENNINGS, LOUISIANA
November 2001

TECHNICAL EXHIBIT

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PETITION TO DISMISS
APEX BROADCASTING, INC.
KJEF-FM RADIO STATION
CH 225C2 - 92.9 MHZ
JENNINGS, LOUISIANA
November 2001

TECHNICAL STATEMENT

This technical statement and the attached exhibit were prepared on behalf of Apex Broadcasting, Inc. ("Apex"), licensee of KJEF-FM, Channel 225C2, Jennings, Louisiana. Apex also holds an outstanding construction permit authorizing minor changes in the facilities of KJEF-FM (BPH-20010129ADH). Apex herein objects to the proposed allotment of Channel 225A to Hemphill, Texas, as requested by Linda Crawford ("Crawford") in a recently filed Petition for Rule Making, since the allotment fails to provide the required separation to the KJEF-FM permit.

BACKGROUND

In her request, filed on September 5, 2001, Crawford requests the allotment of Channel 225A to Hemphill, Texas, as that community's second FM channel. The proposed allocation site is North Latitude 31° 16' 33" and West Longitude 93° 56' 48". Crawford indicates that the proposed channel meets the Commission's minimum distance separation requirements. A spacing study purportedly showing the clearance and a map demonstrating city grade coverage of Hemphill were attached as exhibits to the Crawford Petition.

DISCUSSION

Apex submitted its application for KJEF-FM on January 29, 2001. The Commission granted the request to relocate KJEF-FM on May 31, 2001. It was not until late August 2001

that Crawford prepared and submitted her request for the Hemphill channel. As shown on Exhibit #1, from the authorized KJEF-FM permit site, the proposed Hemphill request is 16.17 kilometers shortspaced to the KJEF-FM permit, in violation of §73.207 of the rules. The spacing study submitted with the Crawford request also shows a shortage to the KJEF-FM permit. The existence of the KJEF-FM permit precludes the use of Channel 225A at Hemphill and all other nearby communities, since there is no clear usable area for an allotment due to the spacing limitations of the outstanding KJEF-FM permit. As such, Apex requests that the Crawford Petition be dismissed without further consideration.

The foregoing was prepared on behalf of Apex Broadcasting, Inc., by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities was extracted from the CDBS database. We assume no liability for error or omissions in that database, that may be adverse to the requests contained herein.

PETITION TO DISMISS
APEX BROADCASTING, INC.
KJEF-FM RADIO STATION
CH 225C2 - 92.9 MHZ
JENNINGS, LOUISIANA
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EXHIBIT #1

CLEARANCE STUDY FOR KJEF-FM JENNINGS, LOUISIANA
 USING KJEF-FM CONSTRUCTION PERMIT SITE AS REFERENCE

REFERENCE	CLASS C2	DISPLAY DATES
30 10 48 N		DATA 11-16-01
93 01 52 W	Current rules spacings	SEARCH 11-20-01
----- CHANNEL 225 - 92.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KJEFFM	225C2	Jennings	LA	0.0	0.00	190.0	-190.00
CP ZCX	30 10 48	93 01 52	30.000 kW	195M	0.0	118.1	
	Apex Broadcasting, Inc.			BPH-20010129ADH			
KJEFFM	225C2	Jennings	LA	128.2	30.79	190.0	-159.21
LIC CN	30 00 31	92 46 47	33.000 kW	183M	19.1	118.1	
	Apex Broadcasting, Inc.			BLH-19901221KD			
RADD	225A	Hemphill	TX	324.5	149.83	166.0	-16.17
ADD	31 16 33	93 56 48	0.000 kW	0M	93.1	103.2	
KQIDFM	226C	Alexandria	LA	25.7	179.99	188.0	-8.01
LIC CY	31 38 20	92 12 18	100.000 kW	464M	111.9	116.8	
	Cenla B/c Co Inc.			BLH-19870406KA			
KKBQFM	225C	Pasadena	TX	254.9	248.66	249.0	-0.34
LIC CY	29 34 34	95 30 36	100.000 kW	585M	154.5	154.8	
	Cxr Holdings, Inc.			BLH-19831025AD			
RDEL	279C1	Lake Charles	LA	283.5	30.96	27.0	3.96
DEL	30 14 41	93 20 38	0.000 kW	0M	19.2	16.8	
KBIU	279C1	Lake Charles	LA	283.5	30.96	27.0	3.96
LIC CN	30 14 41	93 20 38	100.000 kW	149M	19.2	16.8	
	Cumulus Licensing Corp.			BLH-19971208KB			
KCOLFM	223C2	Groves	TX	258.6	83.80	58.0	25.80
LIC CN	30 01 45	93 52 59	50.000 kW	134M	52.1	36.0	
	Voice In The Wilderness Broad			BLH-19901113KD			
KVPIFM	223A	Ville Platte	LA	50.1	89.50	55.0	34.50
LIC CN	30 41 39	92 18 46	3.900 kW	67M	55.6	34.2	
	Ville Platte Broadcasting Co.			BMLH-19920420KF			
KQBUFM	227C	Port Arthur	TX	264.7	144.87	105.0	39.87
LIC CY	30 03 05	94 31 37	100.000 kW	595M	90.0	65.3	
	Tichenor License Corporation			BMLH-19950921KA			

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Apex Broadcasting, Inc., licensee of Radio Station KJEF-FM, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 20th day of November, 2001.

Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 20th day of November, 2001.*

*Notary Public, State of Georgia
My Commission Expires: April 20, 2002*